

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

MARCUS O. ALLEN,

Plaintiff,

v.

CHRISTOPHER A. WRAY,
Director, Federal Bureau of Investigation,

Defendant.

Case No. 0:22-cv-04536-MGL

JOINT STATUS REPORT

Plaintiff Marcus Allen initially brought this action challenging the temporary suspension of his top-secret security clearance by the Federal Bureau of Investigation (“FBI”) pending a determination whether that clearance would be revoked. Since the filing of Plaintiff’s complaint, the FBI completed its investigation and issued a decision revoking Plaintiff’s clearance. *See* ECF No. 35. The FBI’s revocation letter advised Plaintiff of his ability to request—through an administrative process independent of any claims asserted in this action—the documents underlying the revocation decision and to seek reconsideration within 30 days of receipt of the letter or the requested documents, whichever is later. ECF No. 35-1 at 2. After receiving the FBI’s revocation letter, Plaintiff submitted his document request to the FBI, and the Court stayed this case until further notice, *see* ECF No. 38.

On September 20, 2023, Plaintiff received a copy of the records underlying the FBI’s revocation decision and subsequently sought reconsideration of that decision before the FBI. As of this filing, that administrative process remains ongoing, and the parties are continuing to engage in good-faith negotiations regarding a possible settlement.

Accordingly, the parties respectfully propose that the Court order the parties to file a joint status report within 60 days, with an update on proposed proceedings at that time, including whether resuming litigation in the above-captioned matter is appropriate.

Respectfully submitted,

/s/ Ruth C. Smith
Ruth C. Smith, Attorney
Elmore and Smith Law Firm
79 Woodfin Place, Suite 103
Asheville, NC 28801
(828) 367-7998 (ph.)
(828) 367-7991 (fax)
ruth@mywncattorney.com

James F. Peterson*
Kathryn Brooke Blankenberg*
JUDICIAL WATCH, INC.
425 Third Street, S.W., Suite 800
Washington, DC 20024
Tel.: (202) 646-5175
jpeterson@judicialwatch.org
kblankenberg@judicialwatch.org

* Admitted *pro hac vice*

Counsel for Plaintiff

Dated: April 29, 2024

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

ADAIR FORD BOROUGHS
United States Attorney

CHRISTOPHER R. HALL
Assistant Branch Director

/s/ Sarah M. Suwanda
SARAH M. SUWANDA (D.C. Bar No.
1685531)
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, D.C. 20005
Tel.: (202) 305-3196
Fax: (202) 616-8460
Email: sarah.m.suwanda@usdoj.gov

Counsel for Defendant